

Amendment No. 1 to Amendment 1 to SB2357

McNally
Signature of Sponsor

AMEND Senate Bill No. 2357

House Bill No. 2389*

by deleting Section 30 in its entirety and by substituting instead the following:

SECTION 30. Tennessee Code Annotated, Section 37-2-205, is amended by adding the following language as a new subsection (f):

(f)

(1)

(A) Notwithstanding any state law to the contrary, the department of children's services shall allocate resources for children placed in state custody based on a county's child population and the average state commitment rate per thousand children. In fiscal years 2009-2010 and 2010-2011 the department shall pay for a county's commitments of dependent and neglected children and delinquent children until such commitments exceed three hundred percent (300%) of the state average commitment rate.

(B) When a county exceeds the limit on either dependent and neglected children or delinquent children established in subdivision (f)(1)(A), the county shall be billed for the actual daily cost to the state for the duration of the length of stay of such child in state custody.

(C) The department shall develop statewide averages for:

- (i) Dependent and neglected children; and
- (ii) Delinquent children.

(D) The average state commitment rate shall be based on the higher of:

(i) 2007-2008 fiscal year statewide average commitments per thousand children; or

(ii) 2008-2009 fiscal year statewide average commitments per thousand children.

(2) The department shall initiate a collaborative planning process at any such time a county is believed to be likely to exceed two hundred percent (200%) of the state average commitment rate. Upon request of the county or the court, the department shall partner with the county or the court to develop and implement strategies to identify and address underlying problems contributing to over commitment that may exist in such county. The department shall provide commitment data to the county or the court as needed to prevent a county from exceeding the limits established in subdivision (f)(1)(A).

(3) On or before January 15 of each year, the department shall provide a report to general assembly listing the counties that have exceeded the state average commitment limits. The report shall also detail actions taken by the department to comply with subdivision (f)(2).

(4) The select committee on children and youth is directed to study commitment patterns of children entering state custody. Findings shall be provided to the commissioner of the department of children's services and to the members of the select committee on child and youth on or before January 15, 2010.

(5)

(A) The commissioner of the department of children's services is authorized to promulgate rules and regulations to effectuate the provisions of this subsection (f).

(B) The provisions of subsection (f) shall expire June 30, 2011, unless reauthorized by the general assembly.

AND FURTHER AMEND by deleting Section 38 as amended in its entirety and substituting instead the following language:

SECTION 38. Tennessee Code Annotated, Section 33-6-406(b)(2) is amended by deleting the subdivision in its entirety and substituting instead the following:

(b)

(2) The sheriff or transportation agent shall notify the hospital or treatment resource of the anticipated time of arrival; if the sheriff or transportation agent has given notice and arrives at the hospital or treatment resource within the anticipated time of arrival, then the sheriff or transportation agent is required to remain at the hospital or treatment resource long enough for the person to be evaluated for admission under § 33-6-407, but not longer than one (1) hour and forty-five (45) minutes. After one (1) hour and forty-five (45) minutes, the person is the responsibility of the evaluating hospital or treatment resource, and the sheriff or transportation agent may leave.

AND FURTHER AMEND by deleting Section 54 in its entirety and by substituting instead the following:

SECTION 54. Tennessee Code Annotated, Section 65-4-303, is amended by deleting subsection (c) in its entirety and substituting instead the following:

(c)

(1) Except as set forth in subsection(c)(2) that follows, the fee fixed and assessed against and to be paid by each public utility shall be due and payable on or before April 1, 2010, and each April 1 thereafter and be based on the previous calendar year's gross receipts from intrastate operations. The fee shall be as follows: four dollars and twenty-five cents (\$4.25) per one thousand (\$1,000) for the first one million dollars (\$1,000,000) or less of such gross receipts over five thousand dollars (\$5,000); and for public utility gross receipts over and above one million dollars (\$1,000,000), the fee shall be three dollars and twenty-five cents (\$3.25) per one thousand dollars (\$1,000).

(2) The fee fixed and assessed against and to be paid by each telecommunications public utility that has, as of July 1, 2009, over one million (1,000,000) telephone access lines in the state of Tennessee and elects to operate under market regulation pursuant to 65-5-109 by the date that the fee is due and payable shall be as follows: the fee shall be three dollars (\$3.00) per one thousand (\$1,000) for the first one million dollars (\$1,000,000) or less of gross receipts from intrastate operations over five thousand dollars (\$5,000); and for such public utility gross receipts over and above one million dollars (\$1,000,000) two dollars and seventy-three cents (\$2.73) per one thousand dollars (\$1,000) of gross receipts from intrastate operations. Such fee shall be due and payable on or before April 1, 2010, and each April 1 thereafter.

(d) The fee provided for in this section may be recovered by a public utility operating under rate of return regulation through either a rate case proceeding pursuant to § 65-5-103 or through separate recovery mechanism to be determined by the authority. Nothing in this section shall alter the manner in which public utilities that operate under price regulation or market regulation, pursuant to 65-5-109, may set rates. Nothing in this section shall alter the limitations on the jurisdiction of the authority over market-regulated companies as set forth in 65-5-109. A public utility may recoup its inspection fees by including a line item on its subscribers' bills.

AND FURTHER AMEND by deleting Section 40 in its entirety.

AND FURTHER AMEND by adding the following language as a new Section 34 and by renumbering the subsequent sections accordingly:

SECTION 34. Tennessee Code Annotated, Title 33, Chapter 2, Part 12, is amended by adding the following as a new section:

Section 33-2-1203. If, in the commissioner's judgment, the occupancy level at a state-owned or operated hospital or treatment resource requires additional staffing for a temporary period in order to maintain suitable available accommodations, the

commissioner is authorized to contract for and utilize temporary staffing at the affected location.

AND FURTHER AMEND by adding the following new sections to the bill:

SECTION __. Tennessee Code Annotated, Title 33, Section 6, Part 1 is amended by adding the following as a new section:

The department shall report quarterly to the House Health and Human Resources Committee, the Senate General Welfare, Health and Human Resources Committee, and the Finance Ways and Means Committees of both the House and Senate the implementation and the impact of available suitable accommodations, including the number and length of any delayed admissions.

SECTION __. Tennessee Code Annotated, Title 33, Chapter 2, Part 12 is amended by adding the following as a new section:

Reductions in bed capacity at state owned or operated hospitals or treatment resources pursuant to the fiscal year 2009-2010 budget shall be phased in as determined by the department.